

93-61

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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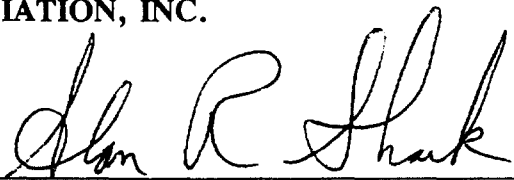
In the Matter of)	
)	
PINPOINT COMMUNICATION)	WPCY395, et al.
NETWORKS, INC.)	
)	
MOBILEVISION L.P.)	WNWC592, et al.
)	
UNIPLEX CORPORATION)	WPEF613, et al.
)	
ROGER D. LINQUIST)	WPFM450, et al.
)	
Licenses for New Facilities)	
in the Multilateration Location)	
Monitoring Services (LMS))	

To: The Commission

**REPLY COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.
TO THE JOINT MOTION FOR RULE WAIVER**

Respectfully submitted,

**AMERICAN MOBILE TELECOMMUNICATIONS
ASSOCIATION, INC.**

By: 
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June 17, 1996

**Before the
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Washington, D.C. 20554**

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**REPLY COMMENTS OF THE
AMERICAN MOBILE TELECOMMUNICATIONS ASSOCIATION, INC.
TO THE JOINT MOTION FOR RULE WAIVER**

The American Mobile Telecommunications Association, Inc. ("AMTA" or "Association") respectfully submits its Reply Comments in response to the Federal Communications Commission's ("FCC" or "Commission") June 7, 1996 Public Notice requesting Public Comment on the above-identified Joint Motion for Rule Waiver.¹¹ The Waiver requests that the FCC extend by sixty days the construction deadline for

¹¹ Wireless Telecommunications Bureau Seeks Comment on Joint Motion for Rule Waiver Filed by Pinpoint Communication Networks, Inc., Mobilevision, LP, Uniplex Corporation and Roger D. Linquist, DA 96-905, released June 7, 1996 ("Waiver Request").

identified Location and Monitoring Service ("LMS") systems. For the following reason, AMTA supports the Waiver Request.

AMTA is a nationwide, non-profit trade association dedicated to the interests of the specialized wireless communications industry. The Association's members include trunked and conventional 800 MHz and 900 MHz operators, licensees of wide-area SMR systems, and commercial licensees in the 220 MHz band. These members provide voice and data commercial wireless services throughout the country. The Association has been actively involved in numerous proceedings in which the FCC and specialized wireless industries have worked cooperatively to promote smooth transitions during the implementation of new regulatory frameworks. In particular, AMTA has attempted to ensure that the interests of incumbent licensees and new entrants are properly balanced, that previous regulatory commitments are honored, and that all qualified licensees have a reasonable opportunity to provide valuable services to the public.

In the instant proceeding, Pinpoint Communications Networks, Inc. ("Pinpoint"), a member of the Association, as well as three other LMS licensees (collectively "Petitioners"), have requested that the FCC grant a waiver of Section 90.363(d) of its rules and extend their construction deadline by sixty days, from September 1, 1996 to November 1, 1996. The Petitioners assert that the current construction period is inadequate in light of the delay in issuance of their licenses until April 4, 1996, and the impact of the new emission mask adopted by the FCC on reconsideration in March of

this year.^{2/} Waiver Request at pp. 2-4. The Petitioners argue that they could not construct until their licenses had been granted. They further claim that the emission mask change was not a minor modification, but necessitated a significant system design alteration. They also note that virtually all Commission licensees receive at least eight months from license grant to complete system construction. Waiver Request at p. 6.

Although AMTA has not participated in this proceeding previously, it finds the Petitioners' arguments persuasive based on the facts presented.^{3/} Systems of any size or complexity are typically granted at least a twelve-month construction period from such time as the licenses are issued and the technical specifications of the system are known. If the Petitioners are correct in their claim that the emission mask modification constituted a substantial technical alteration, an additional sixty days for construction appears reasonable.

To the best of the Association's knowledge, no party has challenged the reasonableness of the extension period requested. Cellnet Data Systems, Inc. is the only party whose Comments have appeared in the record. That company concedes that a sixty-day extension does not appear harmful, but suggests that the Waiver Request be carefully scrutinized, seemingly because of concerns about the viability of its proponents.

^{2/} Order on Reconsideration, PR Docket No. 93-61, FCC 96-115 (rel. March 21, 1996).

^{3/} The Petitioners also rely on their proposed merger as justification for a construction extension. Because AMTA finds the other arguments presented sufficient to justify the relief requested, it has not considered the impact of the proposed waiver on the construction requirement and takes no position on that aspect of the Waiver Request.

AMTA is confident that the FCC will assure itself that it has reviewed all relevant factors and that the relief requested is warranted before acting on the Waiver Request. Thus, for the reasons described herein, AMTA supports the Petitioners' Waiver Request.

CERTIFICATE OF SERVICE

I, Linda J. Evans, a secretary in the law office of Lukas, McGowan, Nace & Gutierrez, hereby certify that I have, on this 17th day of June, 1996, mailed a copy of the foregoing Reply Comments to the following:

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- * Commissioner Rachelle B. Chong
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- * Commissioner Susan Ness
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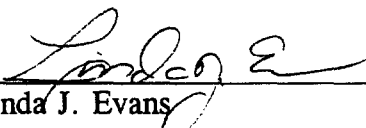
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* Via Hand Delivery